

SENATE BILL No. 266

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-44-3.

Synopsis: Increased penalty for fleeing law enforcement. Makes the offense of fleeing from a law enforcement officer a Class D felony instead of a Class A misdemeanor. Enhances the offense as follows: (1) From a Class D felony to a Class C felony if the defendant draws or uses a deadly weapon, inflicts bodily injury on another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person. (2) From a Class C felony to a Class B felony if, while committing the offense, the person operates a vehicle in a manner that causes serious bodily injury to another person. (3) From a Class B felony to a Class A felony if, while committing the offense, the person operates a vehicle in a manner that causes the death of another person.

Effective: July 1, 1999.

Alexa

January 7, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.



C
o
p
y

Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 266

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-44-3-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A person who
3 knowingly or intentionally:

4 (1) forcibly resists, obstructs, or interferes with a law enforcement
5 officer or a person assisting the officer while the officer is
6 lawfully engaged in the execution of ~~his~~ **the law enforcement**
7 **officer's** duties as an officer; **or**

8 (2) forcibly resists, obstructs, or interferes with the authorized
9 service or execution of a civil or criminal process or order of a
10 court; **or**

11 (3) ~~flee~~s from a law enforcement officer after the officer has, by
12 ~~visible or audible means~~, identified himself and ordered the
13 ~~person to stop~~;

14 commits resisting law enforcement, a Class A misdemeanor, except as
15 provided in subsection (b).

16 (b) The offense under subsection (a) is a:

17 (1) Class D felony if



~~(A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or~~

~~(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;~~

(2) Class C felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes serious bodily injury to another person; and

(3) Class B felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person.

(c) For purposes of this section, a law enforcement officer includes an alcoholic beverage enforcement officer and a conservation officer of the department of natural resources.

SECTION 2. IC 35-44-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 3.5. (a) A person who knowingly or intentionally flees from a law enforcement officer after the officer has, by visible or audible means, identified himself and ordered the person to stop, commits fleeing law enforcement, a Class D felony, except as provided in subsection (b).**

(b) The offense under subsection (a) is a:

(1) Class C felony if, while committing it, the person draws or uses a deadly weapon, inflicts bodily injury on another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Class B felony if, while committing it, the person operates a vehicle in a manner that causes serious bodily injury to another person; and

(3) Class A felony if, while committing it, the person operates a vehicle in a manner that causes the death of another person.

(c) For purposes of this section, a law enforcement officer includes an alcoholic beverage enforcement officer and a conservation officer of the department of natural resources.

